



44
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Section
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PATENT
Attorney Docket No.: INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Fernandez et al. Art Unit: 1646
Application No.: 09/990,091 Examiner: Unassigned
Filed: November 21, 2001
Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed December 10, 2001, enclosed are:

1. One (1) copy of the Notice to File Missing Parts of Nonprovisional Application mailed December 10, 2001 (2 pages);
2. Five (5) executed Declarations For Patent Application (20 pages);
3. One (1) Power of Attorney by Assignee (2 pages);
4. One (1) copy of Transmittal for Sequence Listing Response (Response sent under separate cover) (2 pages);
5. Abstract (1 page);
6. Check No. 500146 in the amount of \$1,278.00; and
7. Return Receipt Postcard.

| CERTIFICATION UNDER 37 CFR §1.8 | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, February 8, 2002 , in an envelope addressed to: Box MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231. | |
| Aldon Griffis (Name of Person Mailing Paper) | |
| Aldon Griffis (Signature) | February 8, 2002 (Date) |



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In re Application of:
Fernandez et al.
Application No.: 09/990,091
Filed: November 21, 2001
Page 2

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Applicants claim large entity status in the above-identified application.

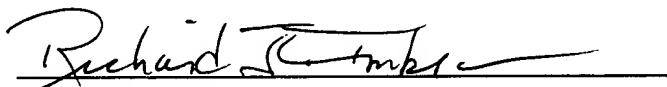
The filing fee has been calculated as follows.

| | Number Filed | | Number Extra | | Rate | | | Fee | |
|-------------------------------------------------------------|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
| | | | | | Small Entity | Large Entity | | Small Entity | Large Entity |
| Total Claims | 38-20 | = | 18 | X | \$09 | \$18 | = | \$.00 | \$ 324.00 |
| Independent Claims | 4-3 | = | 1 | X | \$42 | \$84 | = | \$.00 | \$ 84.00 |
| Multiple Dependent Claims Presented: ___ Yes <u>X</u> No | | | | | \$140 | \$280 | | \$.00 | \$.00 |
| | | | | | BASIC FEE | | | \$ 370.00 | \$ 740.00 |
| | | | | | SURCHARGE FEE | | | \$ 65.00 | \$ 130.00 |
| | | | | | TOTAL FEE | | | \$ | \$1,278.00 |

Enclosed is Check No. 500146 in the total amount of \$1,278.00; which consists of \$740.00 for the filing fee, \$324.00 for the additional claims fee over 20 total claims, \$84.00 for the additional independent claims fee over 3 total independent claims and \$130.00 for the surcharge fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: February 8, 2002


Richard J. Imbra
Registration No. 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

DEC 19 2001

GRAYCARY/T.ELLIS

FEB 26 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/990,091 | 11/21/2001 | Josep M. Fernandez | INVIT1120-3 |

CONFIRMATION NO. 1288

28213
GARY CARY WARE & FRIENDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121-2189

FORMALITIES LETTER



OC000000007175542

Date Mailed: 12/10/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/04/2002 EEKUBAY1 00000139 09990091

FILED UNDER 37 CFR 1.53(b)

| | |
|-----------|-----------|
| 01 FC:101 | 740.00 OP |
| 02 FC:103 | 324.00 OP |
| 03 FC:102 | 84.00 OP |
| 04 FC:105 | 130.00 OP |

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$408.
 - \$324 for 18 total claims over 20.
 - \$84 for 1 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1278.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer

readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing; and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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PATENT
Attorney Docket No. INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez *et al.* Art Unit: 1646
Serial No.: 09/990,091 Examiner: Unassigned
Filed: November 21, 2001
Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE
SEQUENCES

Box Sequence
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

TRANSMITTAL LETTER

Sir:

Transmitted herewith for the above-identified application please find:

1. Permission to Use Sequence Listing (2 pgs.);
2. Copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b) (2 pgs.); and
3. Return Postcard

| CERTIFICATION UNDER 37 CFR §1.8 | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>February 8, 2002</u> , in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327, Arlington, VA 22202. | |
| Mikhail Bayley | |
| Name of Person Mailing Paper | February 8, 2002 |
| Signature | Date |

In re Application of:
Fernandez *et al.*
Application No.: 09/990,091
Filed: November 21, 2001
Page 2

PATENT
Attorney Docket No.: INVIT1120-3

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Sheet is enclosed.

Respectfully submitted,

Date: February 8, 2002



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